

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,)
)
Plaintiffs,)
vs.)
)
ALIANTE MASTER ASSOCIATION; SFR)
INVESTMENTS POOL 1, LLC; NEVADA)
ASSOCIATION SERVICES, INC.,)
)
Defendants.)

Case No.: 2:16-cv-02258-GMN-CWH

ORDER

SFR INVESTMENTS POOL 1, LLC,)
)
Counter/Cross Claimant,)
vs.)
)
BANK OF AMERICA, N.A.; ALBERT C.)
SMITH, an individual; and DAWN D. SMITH,)
an individual,)
Counter/Cross)
Defendants.)

On May 8, 2018, the Court granted summary judgment to Plaintiff Bank of America, N.A. (“Plaintiff”) because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), the Aliante Master Association (“HOA”) “foreclosed under a facially unconstitutional notice scheme” and therefore the “foreclosure sale cannot have extinguished” Plaintiff’s deed of trust on the property. (Order 6:23–25, ECF No. 100). The Ninth Circuit has since held, however, that Nevada’s homeowner’s association foreclosure scheme is not facially unconstitutional because the decision in *Bourne Valley* was based on a construction of Nevada law that the Nevada Supreme Court has since made clear was incorrect. *See Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass’n*, 920 F.3d 620, 624 (9th Cir.

1 2019) (recognizing that Bourne Valley “no longer controls the analysis” in light of *SFR*
2 *Investments Pool I, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)). Moreover,
3 for orders from this district that relied on *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*,
4 832 F.3d 1154 (9th Cir. 2016), and were thereafter appealed, the Ninth Circuit recently began
5 reversing and remanding such orders in light of *Bank of Am., N.A. v. Arlington W. Twilight*
6 *Homeowners Ass’n*, 920 F.3d 620, 624 (9th Cir. 2019). *See, e.g., U.S. Bank, N.A. v. SFR*
7 *Investments Pool 1, LLC*, No. 18-16006, 2019 WL 6817304, at *1 (9th Cir. Dec. 13, 2019).

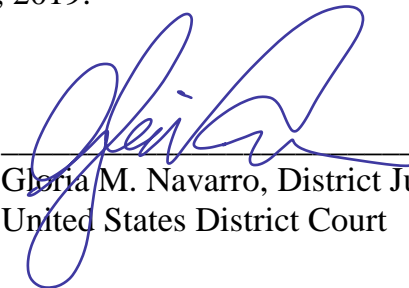
8 Accordingly, to preserve judicial resources,

9 **IT IS HEREBY ORDERED** that the Court’s prior Order, (ECF No. 100), is
10 **VACATED.**

11 **IT IS FURTHER ORDERED** that the parties shall have thirty days from the date of
12 this Order to file renewed dispositive motions.

13 The Clerk of Court shall reopen the case and deliver a copy of this Order to the United
14 States Court of Appeals for the Ninth Circuit, Appeal Number 18-16057.

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16 **DATED** this 18 day of December, 2019.

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Gloria M. Navarro, District Judge
United States District Court